against an indebtedness to the bank. Schlesinger *v.* Kurzrok, 94 N. Y. Supp. 442.

Negotiable Instruments, Holder in Due Course, Va. Code 1904, Sec. 2841a (52).—A person who takes a note from another before maturity on an agreement to forbear suing on the debt for a few days at least, is a holder for value in due course. Milius *v.* Kauffmann, 93 N. Y. Supp. 667.

Negotiable Instruments, Holder in Due Course, Va. Code 1904, Sec. 2841a (52).—Where the holder of a check drawn on another bank deposited it to his own account, and the bank where it was so deposited credited the amount to the depositor's account, and the depositor's account remained sufficient to pay the check in case of dishonor, the bank was not a holder of the check in due course of business within the meaning of this section so as to exclude defenses which the drawer of the check might have against the payee. Citizens State Bank *v.* Cowles, 73 N. E. (N. Y.) 33.

Schools—Powers of Board of School Directors.—The right of a board of school directors, under a statute authorizing it to adopt rules and regulations for the well-being of the school, to debar members of high-school fraternities organized against its will, although with the consent of parents of the pupils, and meeting out of school hours, from participating in certain privileges attendant on membership in the school, such as connection with athletic teams, and with musical, literary, and military societies, and to deprive them of customary graduation honors, is sustained in Wayland *v.* Board of School Directors (Wash.) 7 L.R.A.(N.S.) 352.

MISCELLANY.

Railroad Accidents.—The total number of people killed by railroads in this country last year was nearly 11,000 and the number injured was a few less than 90,000. This summary of railroad casualities to life and limb includes passengers, employees and those run over or otherwise injured.

The proportion of passengers has not been published, but judging from the number already killed and injured during the first two months of 1907 one may well indorse Mr. James J. Hill's reported assertion that he has no feeling of security whenever he starts upon any railroad journey. In January and February of this year 306 passengers killed, and over 600 injured is the gruesome two month's total.

That the accident insurance companies are not finding their exist-

ence a wholly agreeable one in view of all this killing and maiming is a natural thought, but the proportion of those who take out this sensible indemnity when starting upon a journey is relatively small. —Insurance News.

Bees and the Law.—Lord Avebury has given us a scientific study of the bee, Virgil has treated it from the farmer-poet's point of view, Dr. Watts has completed it with the eye of a moralist, Maeterlinck has cast around it a romantic glamour; but it is evident that the bee is likely to give plenty of occupation to the lawyer also. Only within the past few days it has been twice in Court: in one case (Sparenborg *v.* Barnes) on the point of nuisance, in the other (Quantrill *v.* Spragge) as a subject of property. Both cases bristle with points, the latter especially—witness Judge Mulligan's interesting and instructive judgment, reported in full in another column. A bee-keeper's swarm flies into a neighbour's garden and settles on an apple tree. First question: Has the bee-keeper still the property in the swarm, or has it become his neighbour's as annexed to the ownership of the tree? Answer: The swarm is still the property of the bee-keeper, but he cannot go and recover it, if the neighbour objects, without committing a trespass. And this is what the neighbour in Quantrill *v.* Spragge did. He not only objected to the bee-keeper coming after his property, but he shook down the swarm from the apple tree, with the result that the bees "soared to the empyrean" and were lost. Now, in this he was wrong. The shaking down of the swarm was not only an unneighbourly act, but tortious in law. It was analogous to the case where a man drives trespassing cattle on his land to a great distance, or hunts them off with a fierce dog, in which cases he is liable for the injury, if any, done to the property in the cattle. Here, then, was a "contest of demerits," trespass on one side, tort on the other, a conflict best met, the learned judge thought, by making each party pay his own costs. In the other case—of nuisance —the bee-keeper had ten hives with half a million bees at work, and he might fairly congratulate himself on the law-abiding instincts of his swarms; for they had only stung five persons in two years. It seems a very moderate allowance; still, it was too much for the stung plaintiff, who was not satisfied with a hoarding which the bee-keeper had providently set up, but claimed an interim injunction to restrain the keeping of the bees together, so near his property. In the course of the argument the theory was broached on behalf of the bee-keeper that a bee is entitled to his first sting; but this is erroneous. A bee is feræ naturæ, not mansuetæ naturæ, like a dog, and must be kept—as a tiger is—at the keeper's peril.—London Law Journal.

The Unwritten Law in England.—The following suggestion was made to the editor of the London Law Journal as affording a possible check to the spread of the unwritten law. It is interesting in that it

gives us an idea of how this new jurisprudence is regarded in the mother country:

To the Editor of the Law Journal:

Sir,—Will you allow me to point out that the so-called "unwritten law" would have less excuse if the law itself were invariably equal to the crime, or, perhaps, rather the administration of it, which is too often grievously at fault? I remember very many years ago writing to the late Sir Robert Lush, who was at that time on the Criminal Code Reform Commission, and suggesting that magistrates should have more power given them in dealing with all deeds of violence, such as is termed in these days "hooliganism," and he replied that the law, however defective, was not so much at fault as those who pretended to administer it, which, of course, is true enough. But if the desire to call in the aid of the "unwritten law" is to be entirely set at rest, all crimes which tend to the injury of others, whether of violence or swindling, should be much more severely dealt with than at present, and the Home Secretary, or any future Court of Appeal, should not only have the power to reduce any excessive sentence, but have equal power to raise any absurdly inadequate sentence, either by amateur magistrates, who are too often guided by their clerk, or by stipendiary magistrates, as well, of course, as by judges. An extreme instance of an inadequate sentence was that of the recent shocking case of "robbery with violence" of a young lady cyclist near Reigate, for which the brutal ruffian received only two months' hard labour, instead of being sent to quarter sessions, where the villain could have been sentenced to five years' penal servitude and three dozen lashes with the cat-o'-nine tails. Yours, &c. JUSTITIA.

—London Law Journal.

IN VACATION.

His Charge.—"It is always refreshing," says a Cleveland lawyer, "to hear of an attorney who will not undertake a shady case. I know of at least one such, a lawyer in Toledo.

"At one time a chap in business in that town known to be practicing questionable methods sought to retain the Toledo lawyer, and was smoothing over his crooked conduct as well as he knew how, when the attorney admonished him by exclaiming:

"'I think you have acted like an infernal scoundrel, sir!'

"'Is there any charge for that opinion?' asked the man as he rose to go.

"'Yes, sir; $5.'"—Harper's Weekly.

A Life Sentence.

She (thinking of her trousseau): This getting married is certainly a trial.

He: Well, it isn't half as bad as working out the sentence.—Cent. Law Journal.